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7 UNITED STATES BANKRUPTCY COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 IN RE: CASE No. 09-13181

10 CHAPTER 11

11 HOSAIN AZIZIAN, and
FATEMEH H. AZIZIAN,

AMENDED
MOTION TO DETERMINE SECURED
STATUS; DECLARATION OF FATEMEH
AZIZIAN; MEMORANDUM OF POINTS
AND AUTHORITIES

12
13 DEBTORS. /

Date: July 16, 2009
Time: 9:00 a.m.
Place: 99 South E St.
Santa Rosa, CA

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17 TO: HONORABLE ALAN JAROSLOVSKY, UNITED STATES BANKRUPTCY
18 JUDGE:

19 HOSAIN AZIZIAN and FATEMEH H. AZIZIAN, Debtors herein, hereby
20 move the above entitled Court for an Order Determining the Secured
21 Status of the allowed claims of Aurora Loan Services, LLC and Bank
22 of Marin (13 Margory Ct., Novato, CA 94947) pursuant to Section 506
23 of the Code and the terms of the Chapter 13 Plan.

24 Said Motion is made on the grounds that the value of the
25 collateral is less than the allowed claim of such holder and that
26 the claim is unsecured in part. Said allowed claim is secured as
27 to \$250,000.

28 Said Motion is based hereon, on the appended Declaration of

1 Fatemeh Azizian and on the Memorandum of Points and Authorities
2 appended hereto.

3 Dated: 6/14/10

DAVID N. CHANDLER, p.c.

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5 By: /s/ David N. Chandler

6 DAVID N. CHANDLER,
Attorney for Debtors

7 DECLARATION OF FATEMEH H. AZIZIAN

8 I, Fatemeh Azizian, declare and say:

9 1. That if called as a witness, I am competent to testify to
10 the within matters from my own knowledge.

11 2. I am one the Debtors in the above captioned matter and
12 have an opinion of value of the subject real property based upon my
13 ownership thereof.

14 3. The real property located at 13 Margory Ct., Novato,
15 California is real property owned by the estate consisting of a
16 single family residence.

17 4. Said real property has a current market value of \$250,000
18 in my opinion.

19 5. Based upon such value the allowed claim of Aurora Loan
20 Services LLC is unsecured in part and secured to the extent of the
21 said value of the subject property. The claim of Bank of Marin is
22 wholly unsecured.

23 Executed under penalty of perjury this 14th day of June, 2010
24 at Santa Rosa, California.

25 /s/ Fatemeh Azizian
26 Fatemeh Azizian, Debtor

27 MEMORANDUM OF POINTS AND AUTHORITIES

28 1. An allowed claim of a creditor secured by a lien on

1 property in which the estate has an interest is secured to the
2 extent of the value of such creditor's interest in the estate's
3 interest in such property. 11 U.S.C. Section 506(a)(1).

4 2. To the extent that a lien secures a claim against the
5 debtor that is not an allowed secured claim, such lien is void.
6 Section 506(d).

7 3. Section 506(a) bifurcates a debt into secured and
8 unsecured components. The secured component is the secured debt.
9 In re Glenn, 786 F.2d 1144 (9th Cir. 1986).

10 4. It is respectfully submitted that the value of the
11 collateral which is collateral for the claim of Aurora Loan
12 Serving, LLC is as set forth herein and that the claimant's
13 allowable claim is secured to the extent of the value of the
14 subject property, \$250,000, and unsecured as to the balance.

15 5. It is submitted that the collateral be valued as herein
16 provided and that the secured component of the claim be determined.

17 Dated: 6/14/10

Respectfully submitted,

DAVID N. CHANDLER, p.c.

20 By: /s/ David N. Chandler

21 DAVID N. CHANDLER,
22 Attorney for Debtors
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